

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Rec'd PCT/PTO 23 DEC 2004

To:

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Termijn: 16/06/04

Rec.: 18 MAART 2004

Opbergen: W

PCT

10/519071

WRITTEN OPINION

(PCT Rule 66)

Date of mailing  
(day/month/year)

16.03.2004

Applicant's or agent's file reference  
P25922PC00/JV

REPLY DUE

within 3 month(s)  
from the above date of mailing

International application No.  
PCT/NL 03/00470

International filing date (day/month/year)  
26.06.2003

Priority date (day/month/year)  
26.06.2002

International Patent Classification (IPC) or both national classification and IPC  
A22C7/00

Applicant  
STORK TITAN B.V. et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
 

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 26.10.2004

Name and mailing address of the international preliminary examining authority:



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**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-32 received on 08.09.2003 with letter of 08.09.2003

**Claims, Numbers**

1-62 received on 08.09.2003 with letter of 08.09.2003

**Drawings, Sheets**

1/15-15/15 received on 08.09.2003 with letter of 08.09.2003

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
  - ☐ the language of publication of the international application (under Rule 48.3(b)).
  - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
  - ☐ filed together with the international application in computer readable form.
  - ☐ furnished subsequently to this Authority in written form.
  - ☐ furnished subsequently to this Authority in computer readable form.
  - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
  - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
  - ☐ the claims, Nos.:
  - ☐ the drawings, sheets:
5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

☐ the entire international application,

☒ claims Nos. 19-40, 49-62

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 19-40,49-62

2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the Standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-18,41-48
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Inventive step (IS)	Claims	
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Industrial applicability (IA)	Claims	
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2. Citations and explanations

**see separate sheet**

**WRITTEN OPINION  
SEPARATE SHEET**

International application No. PCT/NL03/00470

1. Reference is made to the following documents:

D1: US-A-3 205 837 (FAY RUDOLPH J) 14 September 1965 (1965-09-14)

D2: US-A-4 212 609 (FAY RUDOLPH J) 15 July 1980 (1980-07-15)

2. The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claim 1 and 8 is not new. The reasons being the following:

2.1. Document D1 (column 1 lines 20 to 24, column 1 lines 36 to 54, column 2 line 43 to column 3 line 6), which is considered to represent the closest prior art, discloses all the technical features of present independent claims 1 and 8, in particular it discloses a way to eliminate simultaneously the adhesion forces between the mould and the product, namely with air (see also column 3 lines 1 to 20). (cf. claims 1 and 8)

2.2. From the above it appears that all the features of claims 1 and 8 are known from document D1 at least by implication and said claims, their subject matter lacking novelty, are hence not allowable

2.3. Moreover also document D2 (column 1 lines 24 to 57, column 2 lines 3 to 15, column 4 lines 26 to 41) discloses all the technical features of present claims 1 and 8.

3. The dependent claims are only allowable when related to a patentable independent claim. In the present case, the dependent claims merely concern preferred embodiments of the invention which do not contain any features which meet the requirements of the PCT in respect of novelty or inventive step.

Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 6.3 PCT. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.

4. The applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate.

**WRITTEN OPINION  
SEPARATE SHEET**

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International application No. PCT/NL03/00470

4.1. Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out **any** amendments under the PCT procedure, however minor these may be.